



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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February 4, 1998

CERTIFIED RETURN RECEIPT
P 074 976 627

Neal Jensen
Western Minerals
P.O. Box 786
Santaquin, Utah 84655

Re: Timeframe Extension for Notice of Non-Compliance, Western Minerals, Travertine #1 Mine,
M/023/042, Juab County, Utah

Dear Mr. Jensen:

On December 18, 1997, the Division issued a *Notice of Non-Compliance* to you for exceeding the five acre disturbance threshold of your Travertine #1 small mining permit. The Bureau of Land Management (BLM) initially estimated your mine site disturbance at eight acres. We outlined two alternatives for mitigating our Non-Compliance Notice as follows: (1) to reclaim down to five or fewer acres; or (2) to submit a complete and technically adequate Notice of Intention to conduct large mining operations (NOI) and file a \$16,000 interim reclamation surety. If you decided to file a large mining NOI and continue mining without reclaiming down to five or fewer acres, then the interim surety was to be filed within 30 days of your receipt of the December 18 letter. Our records show you received the letter on December 20, 1997. To date, you have not mitigated our Notice of Non-Compliance.

The BLM notified you of this same non-compliance situation and required that you file a formal *Plan of Operation* (POO) for this mine because it no longer could be categorized as a Notice level activity. On January 28, 1998, we received a transmittal letter from you which forwarded a copy of a BLM letter dated January 20, 1998. The BLM letter granted you a three week time extension for filing the required POO with their office (until February 11, 1998).

I have been advised by Tom Munson of my staff that you prefer to file a large mining NOI and interim surety, rather than reclaim the excess disturbed acreage down to five or fewer acres. The Division hereby modifies the deadline in its December 18, 1997 letter to concur with the BLM **February 11, 1998** deadline for submission of your large mine application. You may file a copy of your federal *Plan of Operations* application with our office to satisfy the state filing requirements, however, it must contain sufficient information to address all of the large mine permitting requirements of the Division's Minerals Rules (R647-4 et. seq.).

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As a result of recent discussions with the BLM, it has been determined that the interim reclamation surety should reflect seven acres of disturbance at \$2,000 per acre (\$14,000). The interim surety should be made jointly payable to the Utah State Department of Natural Resources, Division of Oil, Gas and Mining and the U.S. Department of the Interior, Bureau of Land Management. The deadline to submit your interim surety is hereby extended to **March 9, 1998**. The interim surety amount will be reevaluated and adjusted accordingly as your large mine permit application is processed and approved by both agencies.

Please note that we have changed the file number for this permit from S/023/042 to M/023/042, which designates that this is now a large mine. Please reference this number in all future correspondence to the Division regarding this project.

If you have any questions regarding the content of this letter, please contact me or Tom Munson at (801) 538-5286 and 538-5321 respectively. Thank you for your prompt attention in resolving this permitting issue.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Hedberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb
cc: Ron Teseneer, BLM, Fillmore Office
Mary Ann Wright, DOGM
M023042.ltr